

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re :  
 : Chapter 11 Case No.  
 :  
LEHMAN BROTHERS HOLDINGS INC., *et al.*, : 08-13555 (JMP)  
 :  
Debtors. : (Jointly Administered)  
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**DECLARATION OF BERND JOCHEM IN SUPPORT OF  
KARL ERNSDÖRFER'S OBJECTIONS TO DEBTORS'  
FORTY-THIRD OMNIBUS OBJECTION TO CLAIMS  
(LATE-FILED LEHMAN PROGRAMS SECURITIES CLAIMS)**

Bernd Jochem declares under penalty of perjury under the laws of the United States of America:

1. I am a Partner in the German law firm of Rotter Rechtsanwälte, based in Grünwald, Germany (the greater Munich, Germany area). I am licensed to practice law in Germany. I am a fluent English language speaker and if called to testify I could testify in the English language.
2. My office was retained by Karl Ernsdörfer ("Ernsdörfer") to assist him with the filing of a proof of claim in connection with this bankruptcy matter. As of September 15, 2008, Ernsdörfer owned a Lehman Programs Security (ISIN: DE000A1AV3K3).
3. On October 20, 2009, thirteen calendar days (or nine business days) before the November 2, 2009 Lehman Programs Securities Bar Date, my office mailed Ernsdörfer's accurate and complete Lehman Securities Programs Proof of Claim Form by "Luftpost" (the German word for "airmail") to Epiq Bankruptcy Solutions LLC. The envelope was properly addressed as follows: Epic Bankruptcy Solutions LLC, Attn: Lehman Brothers Holdings Claims Processing, 757 Third Avenue, 3rd floor, New York, New York 10017.

The proof of claim was mailed in a sealed envelope with proper postage affixed thereto and with a "Luftpost" sticker label placed on it. *See* Exhibit 1 hereto. This Proof of Claim, Claim number 64555, set forth Ernsdörfer's claim in the amount of \$284,720.00. It is contended that Epiq received Claim number 64555 on November 4, 2009, two days after the Bar Date. *See* Exhibit 1 hereto. The cancellation of the stamp on the envelope was placed there by the post office in Germany, indicating that the envelope had been placed in the mail on or not later than the date of October 20, 2009.

4. Germany's mail system states on its website that envelopes marked "Luftpost" and mailed from Germany to the United States usually arrive in three to five business days. *See* Exhibit 2 hereto (from which, although in German, one can discern confirms what I have just stated.) The reliability of the German mail system can be inferred from the fact that as a matter of German law an item mailed in Germany to anywhere else in Germany is presumed to arrive the next business day. I frequently send mail to the United States via Luftpost. My experience with the mails via Luftpost to the United States is consistent with Deutsche Post's representation that such mailings usually arrive within three to five business days. In fact, on behalf of another client of mine (claim no. 61333 of Hubert Kaumkoetter), I mailed a proof of claim to Epiq in this matter on October 25, 2009, which was recorded by Epiq as timely received on November 2, 2010.

5. I respectfully request that the Court allow the claim of Karl Ernsdörfer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on October 14, 2010, at Grünwald, Germany.

  
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Bernd Jochem